

AMENDED IN ASSEMBLY APRIL 25, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1516

Introduced by Assembly Member Alejo
(Principal coauthor: Assembly Member Nielsen)
(Coauthors: Assembly Members Achadjian, Chesbro, Jeffries, Ma,
Olsen, Perea, and Valadao)
(Coauthors: Senators Cannella, La Malfa, and Rubio)

January 13, 2012

An act to amend Sections 12804.9 and 34601 of, *and to add and repeal Section 2429.6 of*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1516, as amended, Alejo. Vehicles: driver's license requirements: farming exemption.

(1) Existing law provides that a person with a class C license may operate a motor vehicle or combination of motor vehicles of 26,000 pounds or less when it is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of a specified instructional program, it is used exclusively in the conduct of agricultural operations, and it is not used in the capacity of a for-hire carrier or for compensation. ~~A violation of the requirements is a crime.~~

~~This bill would add a length limitation of 65 feet or less for that vehicle or combination of vehicles, thereby revising the scope of a crime and imposing a state-mandated local program. The bill would additionally authorize a class C licenseholder to operate, until January~~

1, 2018, a combination of vehicles with a specified gross combination weight rating and gross vehicle weight rating that meets specified operating conditions, including being operated by a farmer or an employee of a farmer and being operated within 150 miles of a farm.

(2) Existing law excludes certain vehicles from the definition of a commercial motor vehicle for purposes of the Motor Carriers of Property Permit Act.

This bill would exclude, from that act, *until January 1, 2018*, a pickup truck, as defined, or a vehicle that has a flatbed of less than 9 feet and meets certain conditions regarding its weight rating and operation. The bill would also exclude *until January 1, 2018*, a combination of vehicles with a specified weight rating ~~and a total combined length of less than 65 feet~~, that meets certain conditions regarding the weight rating and operation of those vehicles.

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

(3) *The bill would require the Department of the California Highway Patrol to submit a report, by January 1, 2017, to the Legislature, that evaluates the exemptions provided by the bill and recommends as to whether those exemptions should be continued. The bill would repeal the report requirement on January 1, 2021.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2429.6 is added to the Vehicle Code, to
2 read:
3 2429.6. (a) *On or before January 1, 2017, the department*
4 *shall submit a report to the Legislature in compliance with Section*
5 *9795 of the Government Code, that evaluates the exemptions*
6 *provided by subparagraph (H) of paragraph (3) of subdivision (b)*
7 *of Section 12804.9 and paragraph (3) of subdivision (c) of Section*
8 *34601 and recommend as to whether those exemptions should be*
9 *continued. The report shall include safety data regarding those*
10 *exemptions from January 1, 2013 through January 1, 2016.*

1 ***(b) This section shall remain in effect only until January 1, 2021,***
2 ***and as of that date is repealed, pursuant to Section 10231.5 of the***
3 ***Government Code, unless a later enacted statute, that is enacted***
4 ***before January 1, 2021, deletes or extends that date.***

5 ~~SECTION 1.~~

6 SEC. 2. Section 12804.9 of the Vehicle Code is amended to
7 read:

8 12804.9. (a) (1) The examination shall include all of the
9 following:

10 (A) A test of the applicant's knowledge and understanding of
11 the provisions of this code governing the operation of vehicles
12 upon the highways.

13 (B) A test of the applicant's ability to read and understand
14 simple English used in highway traffic and directional signs.

15 (C) A test of the applicant's understanding of traffic signs and
16 signals, including the bikeway signs, markers, and traffic control
17 devices established by the Department of Transportation.

18 (D) An actual demonstration of the applicant's ability to exercise
19 ordinary and reasonable control in operating a motor vehicle by
20 driving it under the supervision of an examining officer. The
21 applicant shall submit to an examination appropriate to the type
22 of motor vehicle or combination of vehicles he or she desires a
23 license to drive, except that the department may waive the driving
24 test part of the examination for any applicant who submits a license
25 issued by another state, territory, or possession of the United States,
26 the District of Columbia, or the Commonwealth of Puerto Rico if
27 the department verifies through any acknowledged national driver
28 record data source that there are no stops, holds, or other
29 impediments to its issuance. The examining officer may request
30 to see evidence of financial responsibility for the vehicle prior to
31 supervising the demonstration of the applicant's ability to operate
32 the vehicle. The examining officer may refuse to examine an
33 applicant who is unable to provide proof of financial responsibility
34 for the vehicle, unless proof of financial responsibility is not
35 required by this code.

36 (E) A test of the hearing and eyesight of the applicant, and of
37 other matters that may be necessary to determine the applicant's
38 mental and physical fitness to operate a motor vehicle upon the
39 highways, and whether any grounds exist for refusal of a license
40 under this code.

(2) The examination for a class A or class B driver's license under subdivision (b) shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a health care professional. As used in this paragraph, "health care professional" means a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to practice medicine and perform physical examinations in the United States. Health care professionals are doctors of medicine, doctors of osteopathy, physician assistants, and registered advanced practice nurses, or doctors of chiropractic who are clinically competent to perform the medical examination presently required of motor carrier drivers by the federal Department of Transportation. The report shall be on a form approved by the department, the federal Department of Transportation, or the Federal Aviation Administration. In establishing the requirements, consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration.

(3) A physical defect of the applicant that, in the opinion of the department, is compensated for to ensure safe driving ability, shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications, an applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires a license to drive:

(1) Class A includes the following:

(A) Except as provided in subparagraph (H) of paragraph (3), a combination of vehicles, if a vehicle being towed has a gross vehicle weight rating of more than 10,000 pounds.

(B) A vehicle towing more than one vehicle.

(C) A trailer bus.

(D) The operation of all vehicles under class B and class C.

(2) Class B includes the following:

(A) Except as provided in subparagraph (H) of paragraph (3), a single vehicle with a gross vehicle weight rating of more than 26,000 pounds.

(B) A single vehicle with three or more axles, except any three-axle vehicle weighing less than 6,000 pounds.

(C) A bus except a trailer bus.

(D) A farm labor vehicle.

1 (E) A single vehicle with three or more axles or a gross vehicle
2 weight rating of more than 26,000 pounds towing another vehicle
3 with a gross vehicle weight rating of 10,000 pounds or less.

4 (F) A house car over 40 feet in length, excluding safety devices
5 and safety bumpers.

6 (G) The operation of all vehicles covered under class C.

7 (3) Class C includes the following:

8 (A) A two-axle vehicle with a gross vehicle weight rating of
9 26,000 pounds or less, including when the vehicle is towing a
10 trailer or semitrailer with a gross vehicle weight rating of 10,000
11 pounds or less.

12 (B) Notwithstanding subparagraph (A), a two-axle vehicle
13 weighing 4,000 pounds or more unladen when towing a trailer
14 coach not exceeding 9,000 pounds gross.

15 (C) A house car of 40 feet in length or less.

16 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

17 (E) A house car of 40 feet in length or less or a vehicle towing
18 another vehicle with a gross vehicle weight rating of 10,000 pounds
19 or less, including when a tow dolly is used. A person driving a
20 vehicle may not tow another vehicle in violation of Section 21715.

21 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
22 unladen when towing either a trailer coach or a fifth-wheel travel
23 trailer not exceeding 10,000 pounds gross vehicle weight rating,
24 when the towing of the trailer is not for compensation.

25 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
26 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
27 but not exceeding 15,000 pounds, gross vehicle weight rating,
28 when the towing of the trailer is not for compensation, and if the
29 person has passed a specialized written examination provided by
30 the department relating to the knowledge of this code and other
31 safety aspects governing the towing of recreational vehicles upon
32 the highway.

33 The authority to operate combinations of vehicles under this
34 subparagraph may be granted by endorsement on a class C license
35 upon completion of that written examination.

36 (G) A vehicle or combination of vehicles with a gross vehicle
37 weight rating or gross vehicle combination weight rating, as defined
38 in subdivisions (j) and (k) of Section 15210, of 26,000 pounds or
39 less ~~and that is 65 feet or less in length~~, if all the following
40 conditions are met:

1 (i) It is operated by a farmer, an employee of a farmer, or an
2 instructor credentialed in agriculture as part of an instructional
3 program in agriculture at the high school, community college, or
4 university level.

5 (ii) It is used exclusively in the conduct of agricultural
6 operations.

7 (iii) It is not used in the capacity of a for-hire carrier or for
8 compensation.

9 (H) ~~A-Except as provided in paragraph (6),~~ a combination of
10 vehicles with a gross combination weight rating and a gross vehicle
11 weight rating, as defined in subdivisions (j) and (k) of Section
12 15210, of between 26,001 pounds and 28,501 pounds that meets
13 all of the following conditions:

14 ~~(i) The combination of vehicles has a total combined vehicle~~
15 ~~length of 65 feet or less.~~

16 ~~(ii)~~

17 (i) The gross vehicle weight rating of the towing vehicle does
18 not exceed 14,000 pounds.

19 ~~(iii)~~

20 (ii) It is operated by a farmer or an employee of a farmer.

21 ~~(iv)~~

22 (iii) It is used exclusively in the conduct of agricultural
23 operations to support the production of crops or livestock.

24 ~~(v)~~

25 (iv) It is operated within 150 miles of a farm.

26 ~~(vi)~~

27 (v) It is not used in the capacity of a for-hire carrier or for
28 compensation.

29 ~~(vii)~~

30 (vi) The vehicles are registered in the state and operate solely
31 in the state.

32 (I) Firefighting equipment, provided that the equipment is
33 operated by a person who holds a firefighter endorsement pursuant
34 to Section 12804.11.

35 (J) A motorized scooter.

36 (K) Class C does not include a two-wheel motorcycle or a
37 two-wheel motor-driven cycle.

38 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
39 Authority to operate a vehicle included in a class M1 license may

1 be granted by endorsement on a class A, B, or C license upon
2 completion of an appropriate examination.

3 (5) (A) Class M2 includes the following:

4 (i) A motorized bicycle or moped, or a bicycle with an attached
5 motor, except a motorized bicycle described in subdivision (b) of
6 Section 406.

7 (ii) A motorized scooter.

8 (B) Authority to operate vehicles included in class M2 may be
9 granted by endorsement on a class A, B, or C license upon
10 completion of an appropriate examination, except that no
11 endorsement is required for a motorized scooter. Persons holding
12 a class M1 license or endorsement may operate vehicles included
13 in class M2 without further examination.

14 (6) *Subparagraph (H) of paragraph (3) shall become inoperative*
15 *on January 1, 2018.*

16 (c) A driver's license or driver certificate is not valid for
17 operating a commercial motor vehicle, as defined in subdivision
18 (b) of Section 15210, any other motor vehicle defined in paragraph
19 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
20 to hold any driver certificate or any driver's license endorsement
21 under Section 15275, unless a medical certificate approved by the
22 department, the federal Department of Transportation, or the
23 Federal Aviation Administration, that has been issued within two
24 years of the date of the operation of that vehicle, is within the
25 licensee's immediate possession, and a copy of the medical
26 examination report from which the certificate was issued is on file
27 with the department. Otherwise, the license is valid only for
28 operating class C vehicles that are not commercial vehicles, as
29 defined in subdivision (b) of Section 15210, and for operating class
30 M1 or M2 vehicles, if so endorsed, that are not commercial
31 vehicles, as defined in subdivision (b) of Section 15210.

32 (d) A license or driver certificate issued prior to the enactment
33 of Chapter 7 (commencing with Section 15200) is valid to operate
34 the class or type of vehicles specified under the law in existence
35 prior to that enactment until the license or certificate expires or is
36 otherwise suspended, revoked, or canceled.

37 (e) The department may accept a certificate of driving skill that
38 is issued by an employer, authorized by the department to issue a
39 certificate under Section 15250, of the applicant, in lieu of a driving
40 test, on class A or B applications, if the applicant has first qualified

1 for a class C license and has met the other examination
2 requirements for the license for which he or she is applying. The
3 certificate may be submitted as evidence of the applicant's skill
4 in the operation of the types of equipment covered by the license
5 for which he or she is applying.

6 (f) The department may accept a certificate of competence in
7 lieu of a driving test on class M1 or M2 applications, when the
8 certificate is issued by a law enforcement agency for its officers
9 who operate class M1 or M2 vehicles in their duties, if the applicant
10 has met the other examination requirements for the license for
11 which he or she is applying.

12 (g) The department may accept a certificate of satisfactory
13 completion of a novice motorcyclist training program approved
14 by the commissioner pursuant to Section 2932 in lieu of a driving
15 test on class M1 or M2 applications, if the applicant has met the
16 other examination requirements for the license for which he or she
17 is applying. The department shall review and approve the written
18 and driving test used by a program to determine whether the
19 program may issue a certificate of completion.

20 (h) Notwithstanding subdivision (b), a person holding a valid
21 California driver's license of any class may operate a short-term
22 rental motorized bicycle without taking any special examination
23 for the operation of a motorized bicycle, and without having a
24 class M2 endorsement on that license. As used in this subdivision,
25 "short-term" means 48 hours or less.

26 (i) A person under the age of 21 years may not be issued a class
27 M1 or M2 license or endorsement unless he or she provides
28 evidence satisfactory to the department of completion of a
29 motorcycle safety training program that is operated pursuant to
30 Article 2 (commencing with Section 2930) of Chapter 5 of Division
31 2.

32 (j) A driver of a vanpool vehicle may operate with a class C
33 license but shall possess evidence of a medical examination
34 required for a class B license when operating vanpool vehicles. In
35 order to be eligible to drive the vanpool vehicle, the driver shall
36 keep in the vanpool vehicle a statement, signed under penalty of
37 perjury, that he or she has not been convicted of reckless driving,
38 drunk driving, or a hit-and-run offense in the last five years.

39 ~~SEC. 2.~~

40 SEC. 3. Section 34601 of the Vehicle Code is amended to read:

1 34601. (a) As used in this division, “motor carrier of property”
2 means a person who operates a commercial motor vehicle as
3 defined in subdivision (c). “Motor carrier of property” does not
4 include a household goods carrier, as defined in Section 5109 of
5 the Public Utilities Code, a household goods carrier transporting
6 used office, store, and institution furniture and fixtures under its
7 household goods carrier permit pursuant to Section 5137 of the
8 Public Utilities Code, persons providing only transportation of
9 passengers, or a passenger stage corporation transporting baggage
10 and express upon a passenger vehicle incidental to the
11 transportation of passengers.

12 (b) As used in this division, “for-hire motor carrier of property”
13 means a motor carrier of property as defined in subdivision (a)
14 who transports property for compensation.

15 (c) (1) As used in this division, except as provided in paragraphs
16 (2) and (3), a “commercial motor vehicle” means any self-propelled
17 vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section
18 34500, any motortruck of two or more axles that is more than
19 10,000 pounds gross vehicle weight rating, and any other motor
20 vehicle used to transport property for compensation.

21 (2) As used in this division, “commercial motor vehicle” does
22 not include any of the following:

23 (A) Vehicles identified in subdivision (f) of Section 34500, if
24 the gross vehicle weight rating of the towing vehicle is 10,000
25 pounds or less.

26 (B) Vehicles identified in subdivision (g) of Section 34500, if
27 the hazardous material transportation does not require the display
28 of placards under Section 27903, a license under Section 32000.5,
29 or a hazardous waste transporter registration under Section 25163
30 of the Health and Safety Code, and the vehicle is not operated in
31 commercial use.

32 (C) Vehicles operated by a household goods carrier, as defined
33 in Section 5109 of the Public Utilities Code, under the household
34 goods carrier permit pursuant to Section 5137 of that code.

35 (D) Vehicles operated by a household goods carrier to transport
36 used office, store, and institution furniture and fixtures under its
37 household goods carrier permit pursuant to Section 5137 of the
38 Public Utilities Code.

39 (E) Pickup trucks as defined in Section 471, if the conditions
40 in subparagraphs (A) and (B) are also met.

1 (F) Two-axle daily rental trucks with a gross vehicle weight
2 rating of less than 26,001 pounds, when operated in noncommercial
3 use.

4 (G) Motortrucks or two-axle truck tractors, with a gross vehicle
5 weight rating of less than 26,001 pounds, when used solely to tow
6 a camp trailer, trailer coach, fifth-wheel travel trailer, or utility
7 trailer. Vehicle combinations described in this subparagraph are
8 not subject to Section 27900, 34501.12, or 34507.5.

9 (3) (A) As used in this ~~subdivision~~ *division*, a “commercial
10 motor vehicle” does not include a vehicle that meets either of the
11 conditions specified in subparagraphs (C) or (D).

12 (B) Notwithstanding Section 471, a “pickup truck,” for purposes
13 of this paragraph, means a motortruck with a gross vehicle weight
14 rating of 14,000 pounds or less.

15 (C) A commercial motor vehicle does not include a vehicle that
16 meets all of the following requirements:

17 (i) The vehicle is a pickup truck or the vehicle has a flatbed that
18 does not exceed nine feet in length.

19 (ii) The vehicle does not exceed its gross vehicle weight rating,
20 as defined in subdivision (a) of Section 350.

21 (iii) The vehicle is operated by a farmer or an employee of a
22 farmer.

23 (iv) The vehicle is used exclusively in the conduct of agricultural
24 operations to support the production of crops or livestock.

25 (v) The vehicle is not used in the capacity of a for-hire carrier
26 or for compensation.

27 (vi) The vehicle is registered in the state and operates solely in
28 the state.

29 (D) A commercial motor vehicle does not include a combination
30 of vehicles with a gross combination weight rating of less than
31 28,500 pounds ~~and a total combined length of less than 65 feet~~, if
32 that combination meets all of the following conditions:

33 (i) The pickup truck in that combination does not exceed its
34 gross vehicle weight rating, as defined in subdivision (a) of Section
35 350.

36 (ii) It is operated by a farmer or an employee of a farmer.

37 (iii) It is used exclusively in the conduct of agricultural
38 operations.

39 (iv) It is operated within 150 miles of a farm.

1 (v) It is not used in the capacity of a for-hire carrier or for
2 compensation.

3 (vi) The vehicles in that combination are registered in the state
4 and operate solely in the state.

5 (E) *This paragraph shall become inoperative on January 1,*
6 *2018.*

7 (d) For purposes of this chapter, “private carrier” means a motor
8 carrier of property, who transports only his or her own property,
9 including, but not limited to, the delivery of goods sold by that
10 carrier.

11 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
12 ~~Section 6 of Article XIII B of the California Constitution because~~
13 ~~the only costs that may be incurred by a local agency or school~~
14 ~~district will be incurred because this act creates a new crime or~~
15 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
16 ~~for a crime or infraction, within the meaning of Section 17556 of~~
17 ~~the Government Code, or changes the definition of a crime within~~
18 ~~the meaning of Section 6 of Article XIII B of the California~~
19 ~~Constitution.~~